

**VERSION WITH MARKINGS SHOWING CHANGES MAKE**

The paragraph beginning at page 2, line 2 has been amended as follows:

The present application is a continuation-in-part patent application of U.S. Patent Application Serial No. 09/460,740 entitled Compression Plate Anastomosis Apparatus which was filed on December 14, 1999 on behalf of Duane D. Blatter, Kenneth C. Goodrich, Mike Barrus, and Bruce M. Burnett. Serial No. 09/460,740 is incorporated herein by specific reference. [The present application is also a continuation-in-part patent application of U.S. Patent Application Serial No. 09/293,617 entitled Anastomosis Apparatus For Use In Intraluminally Directed Vascular Anastomosis which was filed on April 16, 1999 on behalf of Duane D. Blatter. Serial No. 09/293,617 is incorporated herein by specific reference.]

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18. (Amended) A compression plate anastomosis apparatus for anastomosing vessels, comprising:

a first compression plate having a first compression plate opening;

wherein the first compression plate opening is defined by a plurality of holding tabs extending from a ring of said first compression plate, wherein the ring and the holding tabs are adapted to enable the portion of the first vessel defining the first vessel opening to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimetrical shape of the first compression plate opening, and wherein the holding tabs are adapted to hold the first vessel portion in a manner such that the first vessel portion is at least partially everted and is not penetrated; and

a second compression plate having a second compression plate opening;

wherein the second compression plate opening is defined by a holding surface located around the second compression plate opening with a configuration such that the portion of the second vessel defining the second vessel opening may be everted onto the holding surface;

wherein the first compression plate and the second compression plate have mated locking components to lock the compression plates together such that the portion defining the first vessel opening and the portion defining the second vessel opening are joined without being penetrated such that the first vessel and the second vessel are anastomosed together.

20. (Amended) A compression plate anastomosis apparatus as recited in claim 18,

B4 wherein one of the mated locking components comprises a plurality of locking arms extending from an outer periphery of the ring of the first compression plates and the other mated locking component is a locking extension extending from the second compression plate.

29. (Amended) A snap-fit compression plate anastomosis apparatus for anastomosing vessels, comprising:

a first compression plate having a first compression plate opening;

B5 wherein the first compression plate opening is defined by a plurality of holding tabs extending from a ring of said first compression plate, wherein the ring and the holding tabs are adapted to enable the portion of the first vessel defining the first vessel opening to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimetrical shape of the first compression plate opening, and wherein the holding tabs are adapted to hold the first vessel portion in a manner such that the first vessel portion is at least partially everted and is not penetrated; and

a second compression plate having a second compression plate opening;

wherein the second compression plate opening is defined by a holding surface located around the second compression plate opening with a configuration such that the portion of the second vessel defining the second vessel opening may be everted onto the holding surface;

wherein the first compression plate has an outer periphery from which a

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plurality of locking arms extend, wherein the locking arms are adapted to lock with a locking extension projecting from the second compression plate that enables the compression plates to lock together such that the portion defining the first vessel opening and the portion defining the second vessel opening are joined without being penetrated such that the first vessel and the second vessel are anastomosed together.

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#### REMARKS

This paper is filed in response to the Office Action mailed October 11, 2001 in which the Examiner advised that claims 1-37 were pending in the above-referenced application and claims 1-37 were rejected. Claims 1, 9, 18, 20, and 29 have been amended. Accordingly, claims 1-37 are once again pending in the application.

The Examiner rejected claims 1, 13, and 14 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, and 13 of co-pending Application No. 09/737,200. As requested, Applicant has submitted a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome this rejection.

The Examiner also rejected claims 1-37 as being anticipated by Evans et al. (U.S. Patent 6,036,703). Applicant has herein amended claims 1, 18, and 29 to more particularly set forth the invention. Additionally, claims 9 and 20 have been amended to remedy typographical errors.

As amended, independent claim 1 recites that the first compression plate has a first compression opening with "*a perimeter*". Independent claim 1 as amended further recites that the first compression plate "*is shaped to enable the first vessel portion to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the*

*perimeter of the first compression plate opening.*

Independent claims 18 and 29, recite that the first compression opening of the first compression plate is defined by a plurality of holding tabs extending from a ring. Claims 18 and 29 as amended also recite that the first compression plate opening has a “*ring and holding tabs*” that “*are adapted to enable the portion of the first vessel defining the first vessel opening to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimetrical shape of the first compression plate opening.*”

Evans does not teach or suggest a first compression plate with a first compression opening having a perimeter as recited in claim 1 or a first compression opening of a first compression plate defined by a plurality of holding tabs extending from a ring as recited in claims 18 and 29. Nor does Evan teach or suggest that the plate or the ring and holding tabs are adapted to enable the portion of the first vessel defining the first vessel opening to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimetrical shape of the first compression plate opening. Rather, Evans discloses two sets of plates which attach to one another on opposing *portions* of the perimeter of a vessel opening. Accordingly, the system disclosed in Evans requires that “[t]o complete the connection of the graft vessel to the host vessel, the surgeon sutures the remaining long portions of the graft to the corresponding long portions of the host.” Evans, column 5, lines 52-55. Advantageously, Applicant’s invention does not require any suturing. Instead, Applicant’s invention allows for the two vessels to be held together by contact engagement provided by the two plates along the entire perimeters of the matching portions of the vessels as disclosed in the Application at page 55, paragraph 1.

Accordingly, Applicant believes that the application is now in condition for immediate allowance. In the event the Examiner finds any remaining impediment to a prompt allowance of the claims which could be clarified or satisfied by a telephonic discussion or interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

DATED this 11<sup>TH</sup> day of MARCH 2002.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

**VERSION WITH MARKINGS TO SHOW CHANGES MADE IN THE CLAIMS:**

Claims 1, 9, 18, 20 and 29 have been amended as follows:

1. (Amended) A compression plate anastomosis apparatus for anastomosing a first vessel to a second vessel, comprising:

a first compression plate having a first compression plate opening;

wherein the first compression plate opening has a perimeter [is] defined by first holding means for holding a portion of the first vessel that defines a first vessel opening, wherein the first compression plate is shaped to enable the first vessel portion to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimeter of the first compression plate opening, and wherein the first holding means is adapted to hold the first vessel portion in a manner such that the first vessel portion [defining the first vessel opening] is at least partially everted and is not penetrated; and

a second compression plate having a second compression plate opening;

wherein the second compression plate opening is defined by second holding means for holding a portion of a second vessel that defines a second vessel opening,

wherein the first compression plate and the second ~~compression~~ compression plate have means for locking the compression plates together such that the portion defining the first vessel opening and the portion defining the

second vessel opening are joined without being penetrated such that the first vessel and the second vessel are anastomosed together.

9. (Amended) A compression plate anastomosis apparatus as recited in claim 8, wherein the compression plate opposite from the compression plate from which the guiding means extends has plurality of holes through which the guiding means are inserted such that the compression plate is a ~~gliably~~ glidably mounted on the guiding means, and wherein the holes are sized to provide frictional ~~resistance~~ resistance to movement of the glidably mounted compression plate on the guiding means.

18. (Amended) A compression plate anastomosis apparatus for anastomosing vessels, comprising:

a first compression plate having a first compression plate opening;

wherein the first compression plate opening is defined by a plurality of holding tabs extending from [from] a ring of said first compression plate, wherein the ring and the holding tabs are adapted to enable the portion of the first vessel defining the first vessel opening to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimetrical shape of the first compression plate opening, and wherein the holding tabs are adapted to hold [a portion of a first vessel that defines a first vessel opening] the first vessel portion in a manner such that the first vessel portion [defining the first vessel opening] is at least partially everted and is not penetrated; and



a second compression plate having a second compression plate opening;

wherein the second compression plate opening is defined by a holding surface located around the second compression plate opening with a configuration such that the portion of the second vessel defining the second vessel opening may be everted onto the holding surface;

wherein the first compression plate and the second ~~compression~~ compression plate have mated locking components to lock the compression plates together such that the portion defining the first vessel opening and the portion defining the second vessel opening are joined without being penetrated such that the first vessel and the second vessel are anastomosed together.

20. (Amended) A compression plate anastomosis apparatus as recited in claim 18, wherein one of the mated locking components comprises a plurality of locking arms extending from an outer periphery of the ring of the first compression plates and the other mated locking component is a locking extension extending ~~from~~ from the second compression plate.

29. (Amended) A snap-fit compression plate anastomosis apparatus for anastomosing vessels, comprising:

a first compression plate having a first compression plate opening;

wherein the first compression plate opening is defined by a plurality of holding tabs extending from [from] a ring of said first compression plate, wherein the ring and the holding tabs are adapted to enable the portion of the first vessel defining the first

vessel opening to extend through the first compression plate opening in a manner such that the first vessel opening conforms to the perimetrical shape of the first compression plate opening, and wherein the holding tabs are adapted to hold [a portion of a first vessel that defines a first vessel opening] the first vessel portion in a manner such that the first vessel portion [defining the first vessel opening] is at least partially everted and is not penetrated; and

a second compression plate having a second compression plate opening;

wherein the second compression plate opening is defined by a holding surface located around the second compression plate opening with a configuration such that the portion of the second vessel defining the second vessel opening may be everted onto the holding surface;

wherein the first compression plate has an outer periphery from which a plurality of locking arms extend, wherein the locking arms are adapted to lock with a locking extension projecting from the second compression plate that enables the compression plates to lock together such that the portion defining the first vessel opening and the portion defining the second vessel opening are joined without being penetrated such that the first vessel and the second vessel are anastomosed together.